

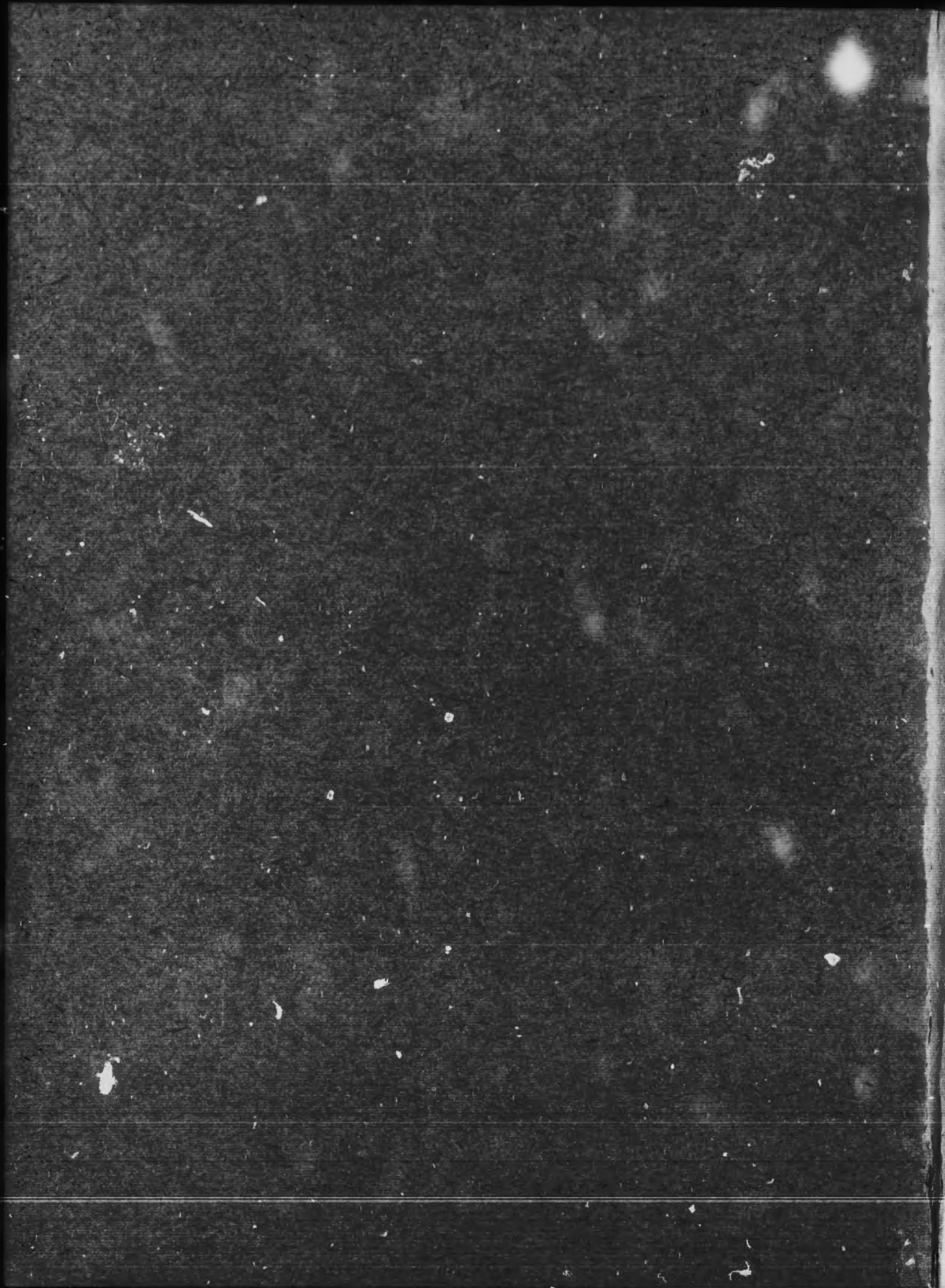
**Public Document No. 4 of the
Constitution of Canada**

Issued by the College of Arms of Canada



**COLLEGE OF ARMS OF CANADA
DEPARTMENT OF THE ARCHIVES
OTTAWA, CANADA**

1918?



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[Canada has a Royal European Constitution with King,
Noblesse, Clergy and Bourgeoisie as factors.]

Chancellor, the BARON DE LONGUEUIL.

Herald-Marshall, the VICOMTE DE FRONSAC.

Registrar-General, The SEIGNEUF, THOMAS SCOTT FORSYTH.

Commissioners, the MARQUIS DEL NORTE; the BANNERET, HENRY
BLACK STUART; the REV. FREDERIC A. BAILLARGE, CURE DE
VERCHERES. REV. JOHN BURKE PYKE, BANNERET.

College of Arms of the Noblesse of Canada

ARCHIVES DEPARTMENT

OTTAWA, CANADA.

Sole Representative of the College of Arms of Canada in the
United States

NATIONAL AMERICANA SOCIETY

44 EAST 23rd STREET

NEW YORK

The Constitution

"The inhabitants of Canada are divided into I. the Noblesse, II, the Clergy, III. the Bourgeoisie and V. the Peasantry." (Gov. Murray's report to the British Ministers in 1760 on the Constitution).

NOBLESSE

The Noblesse is a self-governing order of the state founded on Aryan, race distinction with treaty rights; it has precedence next after the King and a legal right of representation in the government; it has a bureau of registry for race, rank and arms in the Department of the Seigneurial Jurisdiction (College of Arms). The Order consists of the descendants of European military and civil officers of royal commission who held rank in the country before 1760 when up to that date commissions were given only to those of birth and instruction. These were allowed heraldic distinction and honorable rank in the Order of the Noblesse by the Royal Edict of 1760 which had been incorporated in the Constitution of Canada.

Those who held Seigneurial fiefs had been organized into the *Seigneurial Order of Canada* by the King Louis XIV. in 1664. The *Order of the Baronets of Nova Scotia* had been established by King Charles I. in 1625 for Scottish armigers who contributed to the founding of the Province of Nova Scotia. This Order was also incorporated in the Noblesse of Canada by Louis XIV. in 1664 in the person of the Baronets de St. Etienne and de La Tour.

In 1789 by the Loyalist Act of Quebec of King George III. the descendants of those families "who had rallied to the Royal Standard and had stood for Unity of Empire in North America before the Treaty of Separation of 1783" were granted a registry for a "Mark of honor" to give them hereditary precedence over other colonists of the same rank. The descendants of the military and civil officers of these conforming to the require-

ments of the Edict of 1760 were entered in the Noblesse as the *Order of the Bannerets of Quebec*.

NOTE. [The United States, whose independence resulted from the said treaty of 1783, repudiated as a democracy the former Royal connection with its institutions, charters and marks of honor and of race-distinction, so as to place its citizens on the basis of equality "regardless of race, color and previous condition." But those of the old provincial aristocracy who "had rallied to the Royal Standard" under the ancient Royal Constitution who came to Canada from the republican States (former Royal provinces), were guaranteed by the King the continuation of their ancestral honors. With this assurance, the College of Arms of Canada has issued Commissions for the continuance of the ancient provincial honors such as the Order of St. George of the Empire and its derivatives, (founded by the Emperor Charles V. in 1540) and the Order of the Golden Horseshoe of Tramontane (founded in 1716 by Sir Alex. Spotswood, Gov. of Virginia under King George II.) to those registering in the College of Arms of Canada under the requirements of the Edict of 1760 and the Act of 1789 and of the rules of said orders. Under the Edict of 1760 families of European aristocracy yet residing in the United States have registered in the College of Arms of Canada.]

DIVISIONS OF THE NOBLESSE

I. The *Armorial Noblesse* are those who have continuously borne coat-armor from before 1760 to the present time without derogation of rank, whose first ancestor to cross the sea was one conforming to the Edict of 1760. These families bear at the point of their shield the azure octofoil of the College of Arms of Canada.

II. Those who descend from the requirements of the Edict of 1760 but whose ancestor granted Noblesse by this Edict did not bear arms, or whose arms are unknown, are permitted by this Edict to choose arms "provided they are not those of families of the same name but no kin." On registering these arms they constitute the *Consular Noblesse* and bear at the point of the shield the octofoil gules of the College proving that requirements of nobility are fulfilled. The *Alumna Noblesse* are the descendants of those of the *Consular Noblesse* who are professionals or proprietors (not laborers or servants) who crossed the sea after 1760. On registering their proofs, they are permitted to add the octofoil vert of this division of the Noblesse to the point of the shield. These octofoils of the Noblesse distinguish noble arms from arms not noble or not entered into the Noblesse by

distinction of race according to the established Royal Edicts and Ordonnances of the Noblesse.

COLLEGE OF ARMS A CONSTITUTIONAL ENTITY

Vol. I. Const. Doc. p. 28, Art. 45: "The registers and other papers of the Superior Council of Quebec, of the Prévôté and Admiralty—and of the Royal Jurisdictions of Trois Rivières and Montreal; and ——— those of the Seignorial Jurisdiction of the Colony—shall remain in the departments to which those jurisdictions depend."

ROYAL PREROGATIVE IN CANADA

The authority of the King in Canada is personal according to the Treaty of Cession of 1763, signed by the Kings of France, Spain and Great Britain and *cannot be delegated to a cabinet of ministers whose place depends solely on the votes of ignorant and irresponsible multitudes whose interference in the government is implicitly forbidden by the terms of the Treaties by which Canada is held by the British Crown.*

AUTHORITY OF THE SEIGNEURS

Vol. I. Const. Doc. p. 64. Gov. Burton's report to the Ministry: "The Seigneurs had by their original grant the power of naming the judges and of administering justice, even in capital cases, in their districts, but custom has abolished these too great privileges, though the powers for them are yet extant in the hands of the seigneurs."

For the British Crown's approval for continuing Seignorial jurisdiction according to treaty see Royal Instruction to Baron Dorchester, Gov. Gen. of Canada, 1787. Vol. I. Const. Doc. p. 562, also on p. 548 which declares: "His Majesty's Ministers are well aware of the efforts which have been made by a certain description of people to raise discontent in the Province of Quebec and to bring forward petitions to the Throne against the present Constitution of the Colony. But notwithstanding these proceedings no means whatever are intended to be taken for a

change of the system of government until you shall have consulted the opinion of the province,"—that is, of the Noblesse, the Clergy and the Bourgeoisie in their separate, corporate capacities and representations according to the treaty—established constitution and law.

CLERGY

The Clergy as a Catholic hierarchy assured by the British Crown in the Treaty of 1763 of the continuation of their authority, their "representation and their privileges as under the ancient regime." The chiefs of the Church are appointed by the Pope, except where they are also officers of state when their commissions must be countersigned by the Sovereign.

BOURGEOISIE

The Bourgeoisie consists of the professions, proprietors, merchants, manufacturers and financiers and is endowed by the Constitution with a corporate existence for the purpose of choosing its representation in the state. In 1765 Mr. Amyot of Quebec received permission from the British Royal authority to assemble the Bourgeoisie.

PEASANTRY

Laborers of City and Country, artisans, domestics, barbers, petty shop-keepers, valets, servants, chauffeurs, etc., grouped under the names of Plebe and Peasantry are entitled by the Constitution to form labor guilds and to present their bills of requests, complaints, grievances, etc., to the appropriate court, legislature or council by some duly qualified attorney who may represent them in these specific matters.

POLITICAL JURISDICTION OF THE SEIGNEURIAL COUNCIL

In the absence of the King (or personally chosen representative), sovereign authority by the constitution vests in the council of the Noblesse. The Council of the Noblesse represent the

Crown of France in the Treaty of Cession of 1763 which guarantees the legality of British rule in Canada. After 1763 the first Seigneurial Council was held at Montreal in 1764 under presidency of the Chevalier d'Ailleboust. In 1773 the Baron de Longueuil summoned the Noblesse to meet at Montreal to send an envoy to King and Parliament in England to demand a reaffirmation of its treaty-rights on threat of withdrawing allegiance to the British crown. The Seigneur Chârtier de Lotbinière was commissioned Envoy of the Seigneurial Council of the Noblesse and his powers to treat for Canada were recognized by the Crown and Parliament of Great Britain. Vol. I. Const. Doc. p. 370, his demand reads: "Property, rights and privileges are accorded Canadians in so far as is in accordance with their allegiance to the Crown of Great Britain. *Is it to be understood by this condition, expressed in terms so general, that they may be deprived of a part of their rights and privileges? That is not a reasonable supposition since the whole is assured from the moment when they become British subjects.*"

Solicitor-General Norton of England also declared that "*The definite treaty which has been signed by the King and approved by both Houses of Parliament cannot have such construction put on it that would dishonor the Crown and the national faith.*"

REAFFIRMATION OF CONSTITUTION ESTABLISHED BY TREATY

The King and Parliament thus challenged by the above Envoy of the Seigneurial Council of the Noblesse and sustained by Solicitor General Norton hastened to acknowledge in the Quebec-Canada Act of 1774 which was virtually a treaty between the British government and the Noblesse exercising sovereign authority in Canada, that the ancient constitution and the orders which it contained should be the supreme law of the land in the following agreement:—"The people of the province, living under a constitution which has protected their property, privileges and rights for a long series of years since the first establishment of said province—anything found contrary to said custom established under the Kings of France, guaranteed by the Treaty of 1763 and reaffirmed by this Act are hereby revoked, annulled and made void after the first day of May, 1775."

OFFICIAL BRITISH RECOGNITION OF RESTORED RIGHTS

Const. Doc. Vol. I. Report of Gen. Haldimand, Oct. 25, 1780: "The Act of Quebec can in some measure prevent the emissaries of France and of the rebellious colonies in succeeding with the Noblesse and Clergy to induce them to cease to bear allegiance to the British Crown," (to British Minister Lord Geo. Germain). Const. Doc. Vol. I. The British Minister, the Earl of Dartmouth to Gov. Sir Guy Carleton:) "I lean for protection to British interests in America on the fact that the *form* of the ancient government (French) has been reestablished and that the Noblesse and Clergy have regained their ancient supremacy."

SOVEREIGN

THE KING, HIS BRITANNIC MAJESTY, GEORGE V. OF ENGLAND,
SCOTLAND, IRELAND, CANADA, ETC.

NOBLESSE, REGISTRATION LIST FROM 1910 TO 1916

Armorial Noblesse

*Capt. Charles B. Appleton, O. St. G.
Hon. George E. Amyot.
*Dr. J. G. B. Bulloch, O. St. G.
*S. Murray Bennett.
Duc de Veragua, O. St. G.
Baron d'Entremont, Seigneur.
Capt. L. P. d'Entremont, Seigneur.
Louis Denys de Bonnaventure, Seigneur.
Lieut. J. Denys de Vitre, Seigneur.
*John R. Delafield.
*John L. Delafield.
Thomas Scott Forsyth, Seigneur.
Vicomte Forsyth de Fronsac, Seigneur.
Baron Grant de Longueuil, Seigneur.
Reginald de B. G. de Longueuil, Seigneur.

Madame Bellefontaine de Beausejour.

William Amherst Hale, Banneret.

Colonel J. C. A. Heriot, Banneret.

*E. E. Hume, Honorary Baronet, N. S.

*Hon. Lewis H. Jones.

Rgt. Hon. the Earl of Stair, B. N. S.

Rev. J. M. Q. Lafamme, Curé.

Marquis O'Neill del Norte.

Henry B. Stuart, Banneret.

*Colonel H. J. de La Vergne.

*Maj. W. L. Willey, Honorary Chev. O. St. G.

His Highness the Prince de Yturbide, O. St. G.

*Henry R. Wolcott.

Col. Coffin, Banneret.

Consular Noblesse

*A. F. Amée, O. St. G.
J. N. Bourdeau.
*Margaret L. Bronson.
*G. E. Brown, O. St. G.
*G. N. Biron.
Madame O. Bertrand.
*E. B. Cox, O. St. G.
*Prof. C. J. Colcock.

*W. Crittenden.
Rev. F. A. Baillargé, Curé.
*W. W. Lunt, Honorary Chev. O.
St. G.
Madame M. E. de la Mothe-Cadillac.

*Orra E. Monnette.
*Mrs. M. B. Macadam.
*P. T. Nickerson, O. St. G.

A. P. Lafrance del Espinay, Seigneur.
*F. Rumrill, O. St. G.
*Com. H. Westfall, O. St. G.

Alumna Noblesse

*Dr. E. G. Acheson.
*Miss Mary Jackson.
*Captain O. Holstein, O. St. G.
*W. Moorehead.

Those marked * on pledging foi et hommage to the Royal and Seignorial Constitution will complete the full requirement for active rank and privileges of the Noblesse.

